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PATENT  
Attorney Docket No.: 018781-006810US

Assistant Commissioner for Patents  
Washington, D.C. 20231

On

5/22/02

TOWNSEND and TOWNSEND and CREW LLP

By:

*Michelle Howell*

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JUN 11 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

POWERS et al.

Application No.: 10/041,030

Filed: December 28, 2001

For: DIAGNOSIS AND TREATMENT  
OF CANCER USING MAMMALIAN  
PELLINO POLYPEPTIDES AND  
POLYNUCLEOTIDES

Examiner: Not yet assigned

Art Unit: Not yet assigned

REQUEST TO WITHDRAW NOTICE  
INCOMPLETE REPLY

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

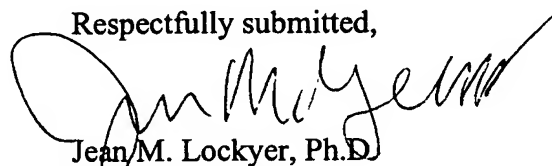
Applicants are in receipt of a Notice of Incomplete Reply mailed May 8, 2002, that alleges that the oath or declaration submitted in Applicant's response to the Notice of Missing Parts in the above-referenced matter was incomplete because the oath or declaration was unsigned. However, the Declaration submitted with Applicant's response, which was mailed on April 10, 2002 and received at the USPTO on April 16, 2002, was properly signed. Submitted herewith is a copy of Applicant's response as filed that shows that the Declaration was signed by all of the inventors. Please note that there are two pages to the Declaration. One of the inventors signed on the second page. Thus, Applicants Response to the Notice to File Missing Parts was complete. Applicants respectfully request withdrawal of the incorrectly issued Notice of Incomplete Reply.

POWERS et al.  
Application No.: 10/041,030  
Page 2

PATENT

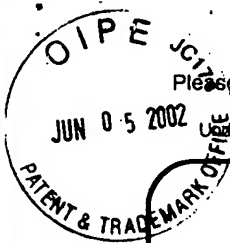
If a telephone conference would expedite prosecution of this application,  
please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer, Ph.D.  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JML  
SF 1348505 v1



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/041,030
Filing Date	December 28, 2001
First Named Inventor	Powers, Scott
Group Art Unit	3736
Examiner Name	Not yet assigned
Attorney Docket Number	018781-006810US

Total Number of Pages in This Submission 20

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### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard  Request to Withdraw Notice of Incomplete Reply (2 pgs.); copy of Notice of Incomplete Reply; copy of Response to Notice to File Missing Parts (filed 4/10/02; 16 pgs.)
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Jean M. Lockyer, Ph.D.	Reg. No. 44,879
Signature		
Date	May 22, 2002	

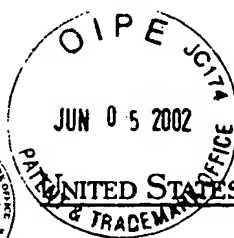
### CERTIFICATE OF MAILING

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May 22, 2002

Typed or printed name	Mikki Newell	Date	May 22, 2002
Signature			

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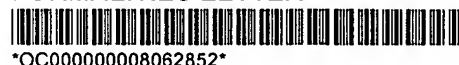
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/041,030	12/28/2001	Scott Powers	018781-006810US

CONFIRMATION NO. 2471

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



\*OC000000008062852\*

Date Mailed: 05/08/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

### Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 04/16/2002 to the Notice to File Missing Parts (Notice) mailed 02/13/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is unsigned.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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TO THE U.S. PATENT AND TRADEMARK OFFICE -BOX MISSING PARTS



Mailing Date:4/10/02

File No.: 018781-006810US

Attorney: JML:md

Inventors: POWERS, et al.

Title: DIAGNOSIS AND TREATMENT OF CANCER USING MAMMALIAN  
PELLINO POLYPEPTIDES AND POLYNUCLEOTIDES

TRANSMITTED HEREWITH

Copy of Notice to File Missing Parts

☒ Declaration (37 CFR 1.63) and ☒ ADS (4 pgs.)

☒ Power of Attorney (1 pg.) and ☒ Statement Under 37 CFR 3.73(b) (1 pg.) with  
copy of Assignment (3 pgs.)

☒ Transmittal Form

☒ Fee Transmittal (in duplicate)

Please stamp the date of receipt of the enclosed documents and return this card to addressee.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/041,030
Filing Date	December 28, 2001
First Named Inventor	Powers, Scott
Group Art Unit	3736
Examiner Name	Not yet assigned
Attorney Docket Number	018781-006810US

Total Number of Pages in This Submission

16

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/  
Incomplete Application

☒ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition

☐ Petition to Convert to a  
Provisional Application

☒ Power of Attorney, Revocation  
Change of Correspondence Address  
w/ Statement under 37 CFR 3.73(b)  
w/copy of Assignment

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) One

☐ After Allowance Communication to  
Group

☐ Appeal Communication to Board of  
Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)  
(please identify below):

Return Postcard

Copy of Notice to File Missing Parts;  
Declaration under 37 CFR 1.63 and ADS

Remarks

The Commissioner is authorized to charge any additional fees to  
Deposit Account 20-1430.

Communication Under 37 CFR §§1.821-1.825 and Preliminary Amendment and  
Sequence Listing Diskette mailed concurrently to Box Sequence, P.O. Box 2327,  
Arlington, VA 22202

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
and  
Individual name

Townsend and Townsend and Crew LLP

Jean M. Lockyer, Ph.D.

Reg. No. 44,879

Signature

Date

4/10/02

## CERTIFICATE OF MAILING

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class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

4/10/02

Typed or printed name

Nikki Newell

Signature

Date

4/10/02

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comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark  
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for  
Patents, Washington, DC 20231.  
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<b>FREE TRANSMITTAL</b> <b>for FY 2001</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete If Known</b>	
		Application Number	10/041,030
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 130		Filing Date	December 28, 2001
		First Named Inventor	Powers, Scott
		Examiner Name	Not yet assigned
		Group Art Unit	3736
		Attorney Docket No.	018781-006810US

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<b>METHOD OF PAYMENT</b>		<b>FEE CALCULATION (continued)</b>	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number: 20-1430  Deposit Account Name: Townsend and Townsend and Crew LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>3. ADDITIONAL FEES</b>	
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			
<b>FEE CALCULATION</b>			
<b>1. BASIC FILING FEE</b>			
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)
101	740	201	370
106	330	206	165
107	510	207	255
108	740	208	370
114	160	214	80
<b>SUBTOTAL (1)</b> (\$)			
<b>2. EXTRA CLAIM FEES</b>			
Total Claims	-20**	Extra Claims	Fee from below
Independent Claims	-3**		
Multiple Dependent			
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)
103	18	203	9
102	84	202	42
104	280	204	140
109	84	209	42
110	18	210	9
<b>SUBTOTAL (2)</b> (\$)			
		<b>Fee Description</b>	
		105 130 205 65 Surcharge - late filing fee or oath	
		127 50 227 25 Surcharge - late provisional filing fee or cover sheet.	
		139 130 139 130 Non-English specification	
		147 2,520 147 2,520 For filing a request for reexamination	
		112 920* 112 920* Requesting publication of SIR prior to Examiner action	
		113 1,840* 113 1,840* Requesting publication of SIR after Examiner action	
		115 110 215 55 Extension for reply within first month	
		116 400 216 200 Extension for reply within second month	
		117 920 217 460 Extension for reply within third month	
		118 1,440 218 720 Extension for reply within fourth month	
		128 1,960 228 980 Extension for reply within fifth month	
		119 320 219 160 Notice of Appeal	
		120 320 220 160 Filing a brief in support of an appeal	
		121 280 221 140 Request for oral hearing	
		138 1,510 138 1,510 Petition to institute a public use proceeding	
		140 110 240 55 Petition to revive - unavoidable	
		141 1,280 241 640 Petition to revive - unintentional	
		142 1,280 242 640 Utility issue fee (or reissue)	
		143 460 243 230 Design issue fee	
		144 620 244 310 Plant issue fee	
		122 130 122 130 Petitions to the Commissioner	
		123 50 123 50 Petitions related to provisional applications	
		126 180 126 180 Submission of Information Disclosure Stmt	
		581 40 581 40 Recording each patent-assignment per property (times number of properties)	
		146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
		149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
		179 740 279 370 Request for Continued Examination (RCE)	
		169 900 169 900 Request for expedited examination of a design application	
		Other fee (specify)	
		The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.	
		*Reduced by Basic Filing Fee Paid	
		<b>SUBTOTAL (3)</b> (\$130)	

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,878
Signature		Telephone	415-576-0200
		Date	4/10/02

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. V



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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D. C. 20503  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/041,030	12/28/2001	Scott Powers	018781-006810US

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 2471

FORMALITIES LETTER



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Date Mailed: 02/13/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

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patin21help@uspto.gov or patin3help@uspto.gov

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